

VICTORIA E. BRIEANT (SBN 141519)
MICHELLE GILLETTE (SBN 178734)
COUDERT BROTHERS LLP
600 Beach Street, Third Floor
San Francisco, CA 94109
Telephone: (415) 409-2900
Facsimile: (415) 409-7400

Attorneys for Plaintiff
AKIRA TECHNOLOGIES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROGER REINLIEB, LEWIS
SAPERSTEIN & LEON WILLIAMS,

Plaintiffs

v.

AKIRA TECHNOLOGIES, INC., and DOES
1-10,

Defendants

Case No. _____

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C §1441(b)
(DIVERSITY)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b), defendant
AKIRA TECHNOLOGIES, INC., ("AKIRA") hereby removes to this Court the state court action
described below:

On or about January 25, 2002, this action was filed in the Superior Court of the
State of California in and for the County of Santa Clara, captioned Roger Reinlieb, Lewis
Saperstein & Leon Williams, plaintiffs, v. Akira Technologies, Inc., and Does 1-10, Case No.
CV804797 ("the Superior Court action"). A true and correct copy of the Complaint in the
Superior Court action is attached hereto as Exhibit A. The Complaint alleges claims of Breach
of Contract, Defaults on Promissory Notes, and Money Had and Received.

COUDERT BROTHERS LLP
Suite 3300
Four Embarcadero Center
San Francisco, CA 94111-4106

The first date upon which defendant received a copy of the Complaint was January 31, 2002, when defendant's counsel was provided with a copy of the Complaint and a Summons from the Superior Court. A copy of the Summons is attached hereto as Exhibit B. Defendant was also provided with an Application for ex parte right to attach order, order for writ of attachment, and temporary protective order, which is attached hereto as Exhibit C.

This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiffs state in their complaint that the amount of the loan to each plaintiff is \$100,000; therefore, the minimum amount at issue is \$300,000.

Defendant is informed and believes that plaintiff Roger Reinlieb was, and still is a citizen of the State of New Jersey; that plaintiff Lewis Saperstein was, and still is a citizen of the State of New York; and that Leon Williams was, and still is a citizen of the State of Florida. Defendant Akira Technologies, Inc., a Delaware Corporation, was and still is a citizen of the State of Delaware, and is the only defendant that has been served with a summons and complaint in this action. None of the parties is a citizen of California, the forum state.

Dated: March 25, 2002

COUDERT BROTHERS LLP

VICTORIA E. BRIEANT
MICHELLE GILLETTE
COUDERT BROTHERS LLP
600 Beach Street, Third Floor
San Francisco, CA 94109
Telephone: (415) 409-2900
Facsimile: (415) 409-7400

Attorneys for Plaintiff
AKIRA TECHNOLOGIES, INC.